

ZONING BYLAW AMENDMENT/Medical Marijuana Dispensary

ARTICLE NO. ##: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, Article IX (Special Regulations), by adding a new section 179-38.1 entitled “Medical Marijuana Dispensaries” as follows:

§179-38.1. Medical Marijuana Dispensaries

- A. A Medical Marijuana Dispensary (MMD) shall conform to 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, in addition to any requirements outlined herein.
- B. The Special Permit Granting Authority shall be the Planning Board.
- C. A special permit granted under this section shall have a term limited to the duration of the applicant’s ownership of the premises as a MMD. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of a modification to the Special Permit.

And to insert a new definition in Article I, §179-2 B as follows:

MEDICAL MARIJUANA DISPENSARY (MMD) – A Medical Marijuana Dispensary (MMD) is a non-profit facility or location that has been registered by the Massachusetts Department of Public Health, where medical marijuana is grown, processed, and/or made available to a qualifying patient or a personal caregiver as determined by 105 CMR 725.000.

And to amend Chapter 179 of the Brewster Town Code, Article VI, Chapter 179-11, Table of Use Regulations, Table 1, Community Facility, by inserting a new #9, and renumbering subsequent lines:

		R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
9.	Medical Marijuana Dispensary (MMD)	-	-	-	S	S	S	-	-

or to take any other action relative thereto.

Summary

The Commonwealth of Massachusetts has recently approved the use of Marijuana for medical purposes. As a town, Brewster has the option of adding language to the Zoning

By-law to address the location and permitting of Medical Marijuana Dispensaries. This article relies on the State's Department of Public Health regulations concerning the development, location and operation of dispensaries. For example, dispensaries cannot be located within 500 feet of schools, churches or other areas where children normally congregate, there are also very specific regulations about how buildings housing dispensaries are designed and how they operate. The full text of the state regulations can be found at 105 CMR 725.000 (*Implementation of an Act for the Humanitarian Medical Use of Marijuana*).